IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 14320 of 2000

Between:

Bonasi Polamma W/o. Pedda Thimmappa,
R/o.Muddalapuram Village, Kudair Mandal,
Ananthapur District.

..... PETITIONER

AND

1 The Station House Officer, P.S.
Kudair, Ananthapur District.
2 B. Lakshminarayana S/o. Pakkirappa,
R/o.Muddalapuram, Kudair Mandal,
Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring the action of the first respondent in interfering with the private property of the petitioner in Sy.No. 284 of Ipperu village, Kudair Mandal, Ananthapur District, as illegal, arbitrary and without jurisdiction and consequently direct the first respondent not to interfere with the property of petitioner.

Counsel for the Petitioner: MR.N.RANGA REDDY

Counsel for the Respondent No.1:G.P. FOR HOME

Counsel for the Respondent No.2: M.Mahonar Reddy

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14320 OF 2000

ORDER:

The petitioner herein filed a suit being O.S.No.829 of 1998 on the file of the Court of Principal Junior Civil Judge, Ananthapur, for cancellation of registered partition deed dt.4.6.1996, which was obtained by second respondent. The suit was decreed on 15.11.1999. Pursuant to the same, petitioner took possession of the property admeasuring Acs.10.94 in S.No.284 of Ipperu Village. The petitioner alleges that second respondent is trying to evict her and interfering with her possession. Therefore, present Writ Petition is filed seeking a declaration that interference of first respondent is illegal and unconstitutional.

First respondent filed a counter affidavit *inter alia* stating that on a complaint given by Smt.Golla Banasi Kamalamma, which was forwarded by Superintendent of Police, a crime being Crime No.30 of 2000 under Sections 143, 427, 447, 323 read with Section 149 of Indian Penal Code was registered and investigation is taken up and that first respondent never interfered in civil dispute or with possession of petitioner.

Though the counter affidavit is filed on 14.8.2000, the petitioner has not chosen to file any reply affidavit. In view of the un-controverted counter averments, this Court holds that the Writ Petition is filed on mere apprehension and surmise.

The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

19.7.2005

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To

1 The Station House Officer, P.S.
Kudair, Ananthapur District.

2 2 CCs to G.P. for Home, High Court Bldgs., Hyderabad (OUT)

3 2 CD copies